

25

MONTANA LEGISLATIVE HISTORY

Chapter 494 19 91

Bill H 419 S _____

Original bill & history ☒ C

H. Committee on Judiciary

Hearing Date(s) 2-5 ☒ C

_____ C

_____ C

_____ C

Date Out _____ C

S. Committee on Judiciary

Hearing Date(s) 3-19 ☒ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HB 418

HOUSE FINAL STATUS

4/10	3RD READING AMENDMENTS CONCURRED	92	7
4/15	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 492		

EFFECTIVE DATE: 10/01/91

HB 418 INTRODUCED BY MADISON

CLARIFYING USE OF MONEY COLLECTED BY
THE BOARD OF WATER WELL CONTRACTORS
BY REQUEST OF DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION

1/28	INTRODUCED		
1/28	REFERRED TO APPROPRIATIONS		
1/29	FIRST READING		
2/02	FISCAL NOTE REQUESTED		
2/05	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
3/19	HEARING		
3/19	COMMITTEE REPORT—BILL PASSED		
3/23	2ND READING PASSED	78	14
3/26	3RD READING PASSED	86	10

	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO FINANCE & CLAIMS		
4/02	HEARING		
4/02	COMMITTEE REPORT—BILL CONCURRED		
4/08	2ND READING CONCURRED	47	2
4/09	3RD READING CONCURRED	43	2

	RETURNED TO HOUSE		
4/15	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 493		

EFFECTIVE DATE: 4/20/91

HB 419 INTRODUCED BY MERCER, ET AL.

DELETE USE OF CERTIFIED MAIL FOR DENIAL OF TORT CLAIMS
BY REQUEST OF DEPARTMENT OF ADMINISTRATION

1/28	INTRODUCED		
1/28	REFERRED TO JUDICIARY		
1/29	FIRST READING		
2/05	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED		
2/08	2ND READING PASSED	88	7
2/11	3RD READING PASSED	99	1

	TRANSMITTED TO SENATE		
2/12	FIRST READING		
2/12	REFERRED TO JUDICIARY		
3/19	HEARING		
3/20	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
3/23	2ND READING CONCURRED	48	0
3/25	3RD READING CONCURRED	48	0

	RETURNED TO HOUSE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS CONCURRED	89	4
4/09	3RD READING AMENDMENTS CONCURRED	94	4
4/16	SIGNED BY SPEAKER		
4/16	SIGNED BY PRESIDENT		
4/16	TRANSMITTED TO GOVERNOR		
4/20	SIGNED BY GOVERNOR		

HOUSE BILL NO. 419

INTRODUCED BY MERCER, PINSONEAULT, STRIZICH
BY REQUEST OF THE DEPARTMENT OF ADMINISTRATION

IN THE HOUSE

JANUARY 28, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
JANUARY 29, 1991	FIRST READING.
FEBRUARY 5, 1991	COMMITTEE RECOMMEND BILL DO PASS. REPORT ADOPTED.
FEBRUARY 6, 1991	PRINTING REPORT.
FEBRUARY 8, 1991	SECOND READING, DO PASS..
FEBRUARY 9, 1991	ENGROSSING REPORT.
FEBRUARY 11, 1991	THIRD READING, PASSED. AYES, 99; NOES, 1.
	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 12, 1991	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 20, 1991	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 22, 1991	ON MOTION, CONSIDERATION PASSED UNTIL THE 63RD LEGISLATIVE DAY.
MARCH 23, 1991	SECOND READING, CONCURRED IN.
MARCH 25, 1991	THIRD READING, CONCURRED IN. AYES, 48; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 8, 1991	RECEIVED FROM SENATE.
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SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
 FINAL COMMITTEE REPORT OF REFERRED BILLS
 COMMITTEE--(H) JUDICIARY

PAGE NBR..... 88
 RUN TIME13:25
 RUN DATE.... 06/04/91

CHAIRMAN--BILL STRIZICH
 NORMAL SCHEDULE==> SITE: ROOM 312-2

DAYS: M,T,W,T,F

TIME: 8:00 A.M.

SECRETARY--JEANNE DOMME

--BILL NO--	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0379	1/24	1/28		PASS AS AMENDED		2/04
BROOKE, VIVIAN			GOOD TIME CREDIT FOR PAROLEES			
HB0381	1/24	2/04		PASS AS AMENDED	JUDICIARY	2/06
HOFFMAN, DAVID			CLARIFY STATUTE OF LIMITATIONS FOR PERJURY			
HB0381	2/08					
HOFFMAN, DAVID			CLARIFY STATUTE OF LIMITATIONS FOR PERJURY			
HB0388	1/24	1/31		DO PASS		2/06
STICKNEY, JESSICA			CLARIFY THAT PREGNANCY DISCRIMINATION IS SEX DISCRIMINATION			
HB0391	1/24	1/30		PASS AS AMENDED		2/11
DARKO, PAULA			CLERGY TO REPORT CHILD ABUSE			
HB0412	1/28	2/05		TABLED ON 02/18		
STRIZICH, BILL			LICENSE SANCTIONS FOR PROFESSIONALS CONVICTED OF DRUG-RELATED OFFENSES			
HB0416	1/28	2/04		TABLED ON 02/04		
BROWN, DAVE			REMOVE BURDEN OF DISPROVING UNLAWFUL POSSESSION OF STOLEN PROPERTY			
HB0417	1/28	2/12		PASS AS AMENDED		2/19
ELLIOTT, JIM			PROHIBIT ACTIVITIES DESIGNED TO FURTHER CIVIL DISORDER			
HB0419	1/28	2/05		DO PASS		2/05
MERCER, JOHN			DELETE USE OF CERTIFIED MAIL FOR DENIAL OF TORT CLAIMS			
HB0420	1/28	2/14		DO PASS		2/14
RICE, JIM			COMPELLED TESTIMONY IMMUNITY IN COMMISSIONER OF INSURANCE PROCEEDINGS			
HB0421	1/28	2/13		DO PASS		2/25
HOFFMAN, DAVID			CLARIFY CERTIFICATION AND TRAINING OF LIMITED JURISDICTION JUDGES			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: By Chairman Bill Strizich, on February 5, 1991,
at 8:06 a.m.

ROLL CALL

Members Present:

Bill Strizich, Chairman (D)
Vivian Brooke, Vice-Chair (D)
Arlene Becker (D)
William Boharski (R)
Robert Clark (R)
Paula Darko (D)
Budd Gould (R)
Royal Johnson (R)
Vernon Keller (R)
Thomas Lee (R)
Bruce Measure (D)
Charlotte Messmore (R)
Linda Nelson (D)
Jim Rice (R)
Angela Russell (D)
Jessica Stickney (D)
Howard Toole (D)
Tim Whalen (D)
Diana Wyatt (D)

Members Excused: Rep. Dave Brown (D)

Staff Present: John MacMaster, Leg. Council Staff Attorney
Jeanne Domme, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

HEARING ON HB #419 DELETE USE OF CERTIFIED MAIL FOR DENIAL OF TORT CLAIMS

Presentation and Opening Statement by Sponsor:

REP. MERCER, HOUSE DISTRICT 50, stated this bill is an act to delete use of certified mail for denial of tort claims. Current law the requires that denials for claims against the state be made by certified mail. Before you can sue the state you have to send in a claim to give the state an opportunity to pay without the suit. This claim is sent to the Claims Division and under

current law they are required to deny or grant that claim within 120 days and have to do it by certified mail. If they don't place it within 120 days, it is deemed denied. They feel this certified mail requirement is an unnecessary cost and burden.

Proponents' Testimony:

Brett Dahl, Administrator - Tort Claims Divisions, stated this bill is important because it will allow for timing of efficient processing of claims filed against the state. It will result in some cost savings, also. The Tort Claims Division is charged with investigating, defending and settling the claims that are filed against the state of Montana. These claims cover a large range of subjects. We investigate, defend and settle those claims that we feel have merit and the rest of those will be denied. There are a significant number of claims filed each year against the state, we do deny. Under the present bill, we are required to mail the denial by certified mail. This results in extra administrative costs in processing these claims. HB 419 will improve our administrative function and cost less to administer.

Opponents' Testimony: none

Questions From Committee Members: none

Closing by Sponsor: Rep. Mercer, stated there is nothing unusual about using regular mail and not certified mail. I ask that you give this bill Do Pass.

HEARING ON SB #68
UPDATE DANGEROUS DRUG SCHEDULES

Presentation and Opening Statement by Sponsor:

SENATOR KENNEDY, SENATE DISTRICT 3, stated this bill is an act updating the dangerous drug schedules to conform to the controlled substances contained in Federal Regulations. This was requested by the Board of Pharmacies in the state of Montana. The present code allows the State Board of Pharmacy authority to schedule drugs listed as a controlled substance by Federal Law. The board periodically updates this list in our statutes to conform to the code of the Federal Regulations. This was requested by the Department Of Justice to give them more authority to prosecute illicite use of these drugs.

Proponents' Testimony: none

Opponents' Testimony: none

Questions From Committee Members:

REP. TOOLE asked SEN. KENNEDY if there is a Federal Mandate to do

this? SEN. KENNEDY said no, but it does bring our statutes up to date with the list.

Closing by Sponsor:

SEN. KENNEDY stated this is a house cleaning bill and that updates the records every four years by the Board of Pharmacies to be sure our records coincide with the Federal records. I ask that you concur with this bill.

EXECUTIVE ACTION ON HB #419

Motion/Vote: REP. GOULD MOVED HB 419 DO PASS. Motion carried unanimously.

EXECUTIVE ACTION ON SB #68

Motion/Vote: REP. GOULD MOVED SB 68 BE CONCURRED IN. Motion carried unanimously.

HEARING ON SB #49

CRIMINAL SALE OF DRUGS ON OR NEAR SCHOOL PROPERTY

Presentation and Opening Statement by Sponsor:

SEN. WATERMAN, SENATE DISTRICT 22, stated this bill is requested by the Board of Crime Control. Montana and Montana Schools have been leaders in the area of drug education and drug enforcement. One area that we lag behind other states is the area of establishing drug free school zones around our schools. SB 49 will help correct that situation. This bill establishes a zone around the school within 1000 ft of the school, where the criminal penalty is increased if you sell or possess drugs. We ought to think of schools as a safe place and rightly so. What we are saying in this bill is that it is not only illegal to sell drugs in the state of Montana but is especially a crime to sell to the young children at our schools. Another thing this bill does is allow us to access funds from the National Drug Free Coalition. This is a coalition that has funding to coordinate education programs for law enforcement as well as people within schools to strengthen their programs and work with programs.

Proponents' Testimony:

Ed Hall, Administrator - Board of Crime Control, stated we developed our anti-drug strategy in with the present control policy and our strategy set forth a protest toward a demand for reduction. This will be set forth in two ways. In the shorter term, will look at street level use. In the long term, we focus demand reduction on prevention and education efforts. As a part of the demand of reduction effort, the Drug Strategy Task Force set two legislative priorities this session. One of which is this drug free school zone.

HOUSE OF REPRESENTATIVES

JUDICIARY COMMITTEE

ROLL CALL

DATE 2-5-91

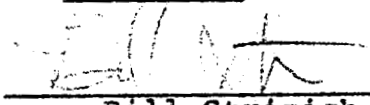
NAME	PRESENT	ABSENT	EXCUSED
REP. VIVIAN BROOKE, VICE-CHAIR	/		
REP. ARLENE BECKER	/		
REP. WILLIAM BOHARSKI	/	<i>mm</i>	
REP. DAVE BROWN			-
REP. ROBERT CLARK	/		
REP. PAULA DARKO	/		
REP. BUDD GOULD	/		
REP. ROYAL JOHNSON	/		
REP. VERNON KELLER	/	<i>mm</i>	
REP. THOMAS LEE	/		
REP. BRUCE MEASURE	/		
REP. CHARLOTTE MESSMORE	/		
REP. LINDA NELSON	/		
REP. JIM RICE	/		
REP. ANGELA RUSSELL	/		
REP. JESSICA STICKNEY	/		
REP. HOWARD TOOLE	/		
REP. TIM WHALEN	/	<i>mm</i>	
REP. DIANA WYATT	/	<i>mm</i>	
REP. BILL STRIZICH, CHAIRMAN	/		

HOUSE STANDING COMMITTEE REPORT

February 5, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Judiciary report that House Bill 419 (first reading copy -- white) do pass .

Signed: 
Bill Strizich, Chairman

HOUSE OF REPRESENTATIVES
VISITOR'S REGISTER

HB # 419

SPONSOR (S)

COMMITTEE
Rep. Malcer

PLEASE PRINT

[illegible]

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

MONTANA LEGISLATIVE COUNCIL BILL STATUS SYSTEM
FINAL COMMITTEE REPORT OF REFERRED BILLS
COMMITTEE--(S) JUDICIARY

PAGE NBR..... 6
RUN TIME09:18
RUN DATE.... 05/20/91

CHAIRMAN--RICHARD PINSONEAULT
NORMAL SCHEDULE==> SITE: ROOM 325

DAYS: M,T,W,T,F

TIME: 10:00 A.M.

SECRETARY--JOANN BIRD

BILL NO	REFER DATE	HEARING DATE	CONSIDERATION DATES	COMMITTEE ACTION	REREFERRED TO COMM	DATE OUT
HB0333 BROOKE, VIVIAN	2/09	3/11	REVISE PAROLE ELIGIBILITY	CONCUR AS AMENDED		3/12
HB0353 STRIZICH, BILL	2/09	3/26	SUBMIT CONSTITUTIONAL AMEND. TO THE PEOPLE TO CLARIFY JUDICIAL SELECTION	CONCUR		4/01
HB0379 BROOKE, VIVIAN	2/09	3/11	GOOD TIME CREDIT FOR PAROLEES	CONCUR AS AMENDED		3/12
HB0388 STICKNEY, JESSICA	2/13	3/05	CLARIFY THAT PREGNANCY DISCRIMINATION IS SEX DISCRIMINATION	TABLED ON 03/16		
HB0389 GOULD, BUDD	2/12	3/05	AMEND HANDICAP DISCRIMINATION DEFINITIONS TO CONFORM TO FEDERAL LAW	CONCUR		3/05
HB0391 DARKO, PAULA	2/16	3/08	CLERGY TO REPORT CHILD ABUSE	CONCUR AS AMENDED		3/16
HB0405 WALLIN, NORM	2/18	3/15	EXTEND PHYSICIAN LIENS TO PAYMENTS DUE FROM HEALTH SERVICE CORPORATIONS	CONCUR		3/23
HB0417 ELLIOTT, JIM	2/26	3/27	PROHIBIT ACTIVITIES DESIGNED TO FURTHER CIVIL DISORDER	CONCUR AS AMENDED		4/01
HB0419 MERCER, JOHN	2/12	3/19	DELETE USE OF CERTIFIED MAIL FOR DENIAL OF TORT CLAIMS	CONCUR AS AMENDED		3/20
HB0420 RICE, JIM	2/20	3/14	COMPELLED TESTIMONY IMMUNITY IN COMMISSIONER OF INSURANCE PROCEEDINGS	CONCUR		3/14
HB0421 HOFFMAN, DAVID	2/27	3/19	CLARIFY CERTIFICATION AND TRAINING OF LIMITED JURISDICTION JUDGES	CONCUR		3/19

EXECUTIVE ACTION ON HOUSE BILL 697

Motion:

Senator Towe made a motion that HB 697 BE CONCURRED IN.

Discussion:

There was no discussion.

Amendments, Discussion, and Votes:

There were no amendments.

Recommendation and Vote:

The motion made by Senator Towe carried unanimously. Senator Grosfield was asked to carry the bill.

HEARING ON HB 419

Presentation and Opening Statement by Sponsor:

Representative John Mercer, District 50, told the Committee he was the chief sponsor of HB 419, which was drafted at the request of the Department of Administration. He said the bill eliminates the certified mail requirements for tort claims against the state. Representative Mercer stated that if one wants to sue the state a written claim must first be filed, and the claim must then be either denied or accepted. He said current law requires that notice of denial or acceptance be sent by certified mail, and that HB 419 would eliminate that requirement. He advised the Committee that if the Department makes no response, it means the claim is denied. Representative Mercer explained that certified mail is an unnecessary administrative hassle for the Department, in this instance.

Proponents' Testimony:

Brett Dahl, Administrator, Tort Claims Division, Department of Administration (DOA), said DOA supports HB 419 because it will save the state money, and allow for more timely and efficient processing of claims filed against the state (Exhibit #2). He advised the Committee that the Tort Claims Division receives 500-700 claims annually, ranging from property damage to bodily injury or wrongful death.

Mr. Dahl further stated that the Division investigates and defends or settles those claims with merit, denying all others. He said that the Division is now required to send denial letters via certified mail, resulting in additional administrative processing of these claims, resulting in postage costs of \$1500 and \$2000 annually. He stated that this is inefficient and unnecessary since

claims are automatically denied within 120 days by statute, even if Tort Claims doesn't mail a denial letter. Mr. Dahl noted that there have been problems with claimants failing to pick up denial letters.

Proponents' Testimony:

There were no opponents of the bill.

Questions from Committee Members:

Senator Mazurek asked about the mailing of denial letters. Mr. Dahl replied that denial letters are sent by certified mail, except those which are not processed within 120 days, and they are automatically denied.

Senator Crippen asked if there was a presumption of denial in this process. Mr. Dahl replied there is not, and said current statute was abandoned by previous legislators before he came to Tort Claims. He explained that it was decided that if the Department did not respond, it would have the same effect as a denial.

Senator Crippen commented that he has a lot of constituents who deal with the Departments of Revenue and Administration, and have had claims. He said these constituents approached him because they had to wait 120 days, but did not receive any correspondence from the state during that time. Senator Crippen stated that these people have a presumption of a denial facing them, and asked if that length of time were not a little bit unreasonable. Representative Mercer advised Senator Crippen that he assumed the 120-day period would allow the Division time to properly review the claim so as not to unnecessarily deny claims that are valid, or to accept a claim that may be invalid. He said he hoped that the Department would reply by mail, to everyone, and that he didn't see anything wrong with the Department using regular mail.

Senator Crippen asked what would happen if the claims are not in the mail, and if that means the claims in the mail are still valid, even though this bill sets up a presumption of denial. Representative Mercer said he didn't believe the bill sets up a presumption of denial. He advised the Committee that the House Appropriations Committee has spent \$15-\$25 million more than the Governor intended, and needs the \$2000 savings from HB 419. Representative Mercer said he didn't know how to protect claims sent to the Department prior to the time that the bill takes effect.

Senator Crippen commented that the proponents are talking about raising and saving money, yet want to use certified mail. He asked why people aren't notified by phone or wire transfer. Representative Mercer replied that Tort Claims is sending claims checks by certified mail now, and wants to continue this practice.

Closing by Sponsor:

Representative Mercer thanked the Committee for the hearing, and said he would be willing to meet with them in a subcommittee, if necessary.

HEARING ON HOUSE BILL 290Presentation and Opening Statement by Sponsor:

Representative Steve Benedict, District 64, said HB 290 is a very simple bill and puts into statute permission for district court clerks to maintain their records on a computer system. He stated that it does not mandate computer systems for districts which do not have capabilities.

Proponents' Testimony:

Tom Harrison, Montana Association of Clerks of Court, said the Montana Supreme Court is working with the Clerks of Court and other agencies who deal with those courts, to upgrade and/or implement computer systems. He explained that the Court makes certain that the various lists, and documents, and indexes maintained by the Clerks of Court will be appropriately recorded on a computer data base.

Questions from Committee Members:

Senator Rye asked if there are laws prohibiting certain actions and if, unless something is prohibitive, it is considered acceptable. Tom Harrison replied that the methodology for maintaining these various lists and indexes is in handwritten, long form, and said there is a concern that, when the Clerks switch over to computers, they may overstep the prescribed bounds. He agreed that it seems to be a more reasonable interpretation to say that records are only being maintained in a different form.

Senator Towe asked if the probate and naturalization records, witnesses, warrants, etc., are the kinds of things that be put on computer. Tom Harrison replied that the Clerks would like the ability to put anything on the computer, in any more efficient manner.

Closing by Sponsor:

Representative Benedict made no closing comments.

commented that the Committee needs to address procedures on handling civil bids, and the confidentiality section of the bill. He said he believes HB 159 is a good and necessary bill, and that he hoped it would be closely examined in Executive Session.

EXECUTIVE ACTION ON HOUSE BILL 419

Amendments, Discussion and Votes:

Senator Mazurek made a motion to strike the inserted language on page 1, lines 24-25, so payments won't have to be made by certified mail. The motion carried unanimously.

Motion:

Senator Towe made a motion that HB 419 BE CONCURRED IN AS AMENDED.

Recommendation and Vote:

The motion made by Senator Towe carried unanimously. Senator Pinsoneault was asked to carry the bill.

HEARING ON HOUSE BILL 421

Presentation and Opening Statement by Sponsor:

Representative David Hoffman, District 74, said he is presenting the bill, at the request of the Supreme Court Commission on Courts of Limited Jurisdiction, to clarify certification and training requirements for judges of those courts. He stated that the bill would allow that certification requirements of the justices of the peace and municipal court judges be taken care of in the same manner. Representative Hoffman told the Committee that the bill changes existing statutes to ensure that these certification requirements are transferred to municipal court judge statutes and vice versa.

Proponents' Testimony:

Patricia Bradley, Montana Magistrate's Association, said HB 421 is a housekeeping bill, and that the Commission on Courts of Limited Jurisdiction asked Greg Petesch, Director of Legal Services, Legislative Council, to review and update statutes concerning training, qualification and certification of judges (Exhibit #5).

Ms. Bradley stated that new language on page 2 requires that an appointing authority for a new judge must notify the Commission of that appointment immediately. She said that any newly appointed judge cannot assume his or her office unless a certificate of completion of course of education and training has been filed with

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 20, 1991

MR. PRESIDENT:

We, your committee on Judiciary having had under consideration House Bill No. 419 (third reading copy -- blue), respectfully report that House Bill No. 419 be amended and as so amended be concurred in:

1. Title, lines 7 and 8.

Following: "MAIL;" on line 7

Strike: remainder of line 7 through "MAIL;" on line 8

2. Title, line 9.

Following: "DATE"

Insert: "AND AN APPLICABILITY DATE"

3. Page 1, lines 24 and 25.

Following: "department." on line 24

Strike: remainder of line 24 through "mail." on line 25

4. Page 2, line 13.

Following: "date"

Insert: "-- applicability"

5. Page 2, line 14.

Following: "approval"

Insert: "and applies to all claims submitted on or after [the effective date of this act]"

Signed: _____

Richard Pinsoneault, Chairman

LB 3/20/91
Amd. Coord.

SB 3/20 1:25
Sec. of Senate

EX. 2
19 Mar 91
HB 419

March 19, 1991

Members of the Judiciary Committee
TESTIMONY IN SUPPORT OF H.B. 419

Mr. Chairman, Members of the Committee:

My name is Brett Dahl, Administrator of Tort Claims, Department of Administration. We support H.B. 419 because it will save the State money, and allow for more timely and efficient processing of claims filed against the state.

By way of background, the Tort claims Division annually receives 500 to 700 claims which range from property damaged to bodily injury or wrongful death.

We investigate, defend, or settle those claims with merit, and all others we deny. Under the present statute, we are required to send denial letters via certified mail.

This results in additional administrative costs to process these claims plus the additional postage. It is also inefficient and unnecessary since claims are automatically denied within 120 days (by statute) anyway if we don't mail a denial letter. We have also experienced numerous problems w. claimants failing to pick up their denial letters.

We offer that H.B. 419 will improve our claims administration function and cost less to administer. We thank you for your consideration and urge your support.

Ex. 8
19-Mar-91
HB 419

Amendments to House Bill No. 419
Third Reading Copy (BLUE)

For the Committee on Judiciary

Prepared by Valencia Lane
March 19, 1991

1. Title, lines 7 and 8.
Following: "MAIL;" on line 7
Strike: remainder of line 7 through "MAIL;" on line 8
2. Title, line 9.
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"
3. Page 1, lines 24 and 25.
Following: "department." on line 24
Strike: remainder of line 24 through "mail." on line 25
4. Page 2, line 13.
Following: "date"
Insert: "-- applicability"
5. Page 2, line 14.
Following: "approval"
Insert: "and applies to all claims submitted on or after [the
effective date of this act]"